

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS LLP
Gregory W. Poulos (SBN 131428)
Max L. Kelley (SBN 205943)
190 The Embarcadero
San Francisco, CA 94105
Telephone No.: 415-438-4600
Facsimile No.: 415-438-4601

Attorneys for Plaintiff
DEL MAR SEAFOODS, INC.

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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DEL MAR SEAFOODS, INC.

Plaintiff,

vs.

BARRY COHEN, CHRIS COHEN (aka
CHRISTENE COHEN), *in personam* and
F/V POINT LOMA, Official Number
515298, a 1968 steel-hulled, 126-gross ton,
70.8- foot long fishing vessel, her engines,
tackle, furniture, apparel, etc., *in rem*, and
Does 1-10,

Defendants.

Case No.:

IN ADMIRALTY

NOTICE OF REQUEST FOR
JUDICIAL REVIEW IN
ACCORDANCE WITH F.R.C.P.
SUPPLEMENTAL RULE C

Pursuant to Rule C of the Supplemental Admiralty Rules, as well as Rules 3-1(e) and 3-2 of the Admiralty Rules of this Court, Plaintiff, DEL MAR SEAFOODS, INC. ("DEL MAR"), hereby gives notice to the Clerk that it requests judicial review of the Verified Complaint *in rem* that Plaintiff has filed in this matter, as well as Plaintiff's applications for an order to issue a warrant for the arrest of the vessel F/V POINT LOMA, Official Number 515298, a 1968 steel-hulled, 126-gross ton, 70.8- foot long fishing vessel, her engines, tackle, furniture, apparel, (the "Vessel") and other supporting documents.

As set out more fully in the Verified Complaint, there is a dispute under Rule C of the Supplemental Admiralty Rules of the Federal Rules of Civil Procedure as to the default

COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS LLP

190 THE EMBARCADERO
SAN FRANCISCO, CA
94105
TEL 415-438-4600
FAX 415-438-4601

DelMarSeafoods/2504

1 by *in personam* defendants BARRY COHEN and CHRIS COHEN (the "COHENS") under
 2 a promissory note and Preferred Ship's Mortgage, the collateral for which is the Vessel. A
 3 Preferred Ship's Mortgage is a maritime lien against the Vessel under Rule C of the
 4 Supplemental Admiralty Rules.

5 Review is requested because the Vessel is a transient fishing vessel that is presently
 6 in San Francisco Bay but which may depart the Northern District at any time. Consequently,
 7 Plaintiff requests that the assigned judge, or if the assigned judge is unavailable, any
 8 available judge, review and issue the orders requested herein today.

9 Given the highly mobile nature of the Vessel, the departure of which from this
 10 Court's jurisdiction would deprive the Court of *in rem* jurisdiction over the Vessel, time is
 11 therefore of the essence.

12 Rule C (3) of the F.R.C.P., Supplemental Rules for Certain Admiralty and Maritime
 13 Claims, provides for the judicial review of the Verified Complaint *in rem*, and

14 If the conditions for an action in rem appear to exist, an order
 15 so stating and authorizing a warrant for the arrest of the vessel
 16 or other property that is the subject of the action shall issue
 17 and be delivered to the clerk who shall prepare the warrant
 18 and deliver it to the marshal for service.

19 See also Northern District Admiralty Rule 3-1(a)(b) and (d).

20 The Verified Complaint filed concurrently herewith satisfies all of the requirements of
 21 the Supplemental Rule C -- it is verified; describes "with reasonable particularity" the
 22 Vessel; Plaintiff's claims of default under the Note and Preferred Ship's Mortgage, and
 23 states that the Vessel is or will be within the district during the pendency of the action.

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27 COX, WOOTTON,
 GRIFFIN, HANSEN
 & POULOS LLP
 190 THE EMBARCADERO
 SAN FRANCISCO, CA
 94105
 TEL 415-438-4500
 FAX 415-438-4501

28 DelMarSeafoods2504

1 Plaintiff therefore requests pursuant to Rule C of the Supplemental Admiralty Rules
2 and Rules 3-1(e) and 3-2 of the Admiralty Rules of this Court that the judge assigned, or any
3 judge available if the assigned judge is not available, review Plaintiff's Verified Complaint
4 and ex parte applications for arrest of the Vessel and appointment of a substitute custodian
5 and issue the appropriate orders to effect the arrest and keeping of the Vessel.

6 Respectfully submitted,

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8 Dated: June ___, 2007

COX, WOOTTON, GRIFFIN,
HANSEN & POULOS, LLP
Attorneys for Plaintiff
DEL MAR SEAFOODS, INC.

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12 By: 
13 Max L. Kelley
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COX, WOOTTON,
GRIFFIN, HANSEN
& POULOS LLP

190 THE EMBARCADERO
SAN FRANCISCO, CA
94105
TEL 415-438-4600
FAX 415-438-4601

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06/07/2007 10:01 AM

To: efilings@cand.uscourts.gov
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Case Name: Del Mar Seafoods, Inc v. Cohen et al

Case Number: 3:07-cv-2952

Filer: Del Mar Seafoods, Inc

Document Number: 3(No document attached)

Docket Text:

NOTICE of Request for Judicial Review in accordance with F.R.C.P. Supplemental Rule C filed by Del Mar Seafoods, Inc. (slh, COURT STAFF) (Filed on 6/7/2007)

3:07-cv-2952 Notice has been electronically mailed to:

Max L. Kelley mkelley@cwghp.com, jwilkinson@cwghp.com

Gregory William Poulos gpoulos@cwghp.com, amuzingo@cwghp.com

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